

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREG MIELE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:20 CV 223 (JMB)
)	
FARMERS INSURANCE COMPANY, INC.,)	
)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Greg Miele's ("Plaintiff") Motion for Trial Continuance or, in the Alternative, Motion to Delay Presentation of Testimony (ECF No. 20).

Plaintiff seeks to reschedule the trial due to the unavailability of Dr. David Raskas ("Dr. Raskas"), his treating physician, allegedly because of his unavailability the first two days of trial. Defendant opposes the motion. (ECF No. 21) During the Rule 16 Conference on July 8, 2020, and with both parties' input, the Court set a trial date of January 24, 2022.

In its opposition, Defendant notes that, Dr. Raskas's affidavit avers that he is "scheduled to be out of the country from January 14, 2022 through January 23, 2022 and will not be available for court proceedings during that time." (See ECF No. 20-1) Thus, per Defendant, Dr. Raskas will be in the United States in time for the trial. Defendant further represents that the parties had scheduled a deposition of Dr. Raskas for November 24, 2021, but Plaintiff elected to cancel that deposition, notifying Defendant that Dr. Raskas would testify at trial. Defendant further represents that defense counsel will make herself available at reasonable times for a deposition of Dr. Raskas prior to trial.

The Court finds that, based on consideration of the entire record, the long-standing schedule established in this case, the fact that Dr. Raskas will have returned to the United States before the previously established trial date, and that Plaintiff has had and retains other avenues to preserve Dr. Raskas's testimony, Plaintiff's motion should be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Trial Continuance or, in the Alternative, Motion to Delay is DENIED.

Dated this 16th day of December, 2021.

/s/ *John M. Bodenhausen*
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE